

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

July 17, 2019

A Regular Meeting of the Harlingen City Commission was held on July 17, 2019 at 5:30 p.m., City Hall, Town Hall Meeting Room, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

Mayor and Commissioners

Mayor Chris Boswell

Michael Mezmar, Mayor Pro-Tem, District 3

Richard Uribe, Commissioner, District 1

Frank Puente, Commissioner, District 2

Ruben de la Rosa, Commissioner, District 4

Victor Leal, Commissioner, District 5

City Staff

Dan Serna, City Manager

Amanda C. Elizondo, City Secretary

Rebecca Hayward, Asst. City Attorney

Invocation/City Commissioner, Frank Puente

Pledge of Allegiance/Welcome

1) Approval of Minutes

a) Regular Meeting of May 2nd, 2019

Motion was made by Commissioner De La Rosa and seconded by Commissioner Uribe to approve the minutes of May 2, 2019. Motion carried unanimously.

CONSENT AGENDA

2a) Consideration and possible action to approve the final plat of the proposed JMH Subdivision, bearing a legal description of 8.84 acres of land out of Block 73, Minnesota-Texas Land and Irrigation Co. Subdivision, located on the west side of FM 506, south of Tio Cano Lake Cross Road. Applicant: Dustin Moore of Moore Land Surveying, LLC, c/o James Green.

b) Consideration and possible action to adopt an ordinance on first reading designating a "No Parking Zone" on Briar Avenue on the south side of the street extending 100 ft. from the intersection with 25th Street.

c) Consideration and possible action to adopt an ordinance on first reading designating a "No Parking Zone" on Rangerville Road from the intersection with Knox Avenue extending 100 ft. on the south side of the street on either side of Knox Avenue.

d) Consideration and possible action to approve a request from the Harlingen Police Dept. to close the following streets, Monday, August 5, 2019 starting from 9 a.m. to allow police officers, partners, and vendors to set-up for the National Night Out Event and Tuesday, August 6, 2019 to 10 p.m. at Lon C. Hill Park to facilitate safety of the attendees.

- Fair Park Blvd. & "J" Street;
- Fair Park Blvd. & "L" Street;
- Fair Park Blvd. & Teege Street; and
- Teege Street & "L" Street.

e) Consideration and possible action to approve a request from Ana Adame, Director of Operations Bicycle World RGV, to close the following streets for the Power Kids Triathlon, Sunday, July 21, 2019 from 5 a.m. to 10 a.m. at the Lon C. Hill Park.

- Fair Park Blvd. in between North "J" Street and North "L" Street;
- North "L" Street to West Adams Street;
- Adams Street and West Teege Street;
- Teege Street and "T" Street;

- "T" Street and Lozano Street; and
- Wichita Street and Fair Park Blvd.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the Consent Agenda Items 2 (a thru e). Motion carried unanimously.

- 3) Consideration and possible action to approve a resolution nominating VHS Harlingen Hospital Company, LLC for designation as a qualified business and enterprise project under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Gov't. Code.

Raudel Garza, Manager and Chief Executive Officer, stated Valley Baptist Hospital, formally known as VHS Harlingen Hospital Company, LLC plans to invest over \$10 million over a period of five years to upgrade and replace machinery and equipment. They will retain 1,018 full-time jobs per the definition within the Texas Enterprise Zone Program. VHS/HHC is requesting that the City nominate them as an Enterprise Zone Project. If the Office of the Governor's Economic Development and Tourism approves their request for the designation of this project, they will be eligible to receive a refund of the state's portion of sales and use tax on qualified expenditures. The refund is based on the number of qualified jobs. The program is managed by the State's Comptroller's Office and the Office of the Governor. The City can nominate up to six applications for project designation per biennium. This would be the first nomination in this two-year period.

Motion was made by Commissioner Uribe and seconded by Commissioner Leal to approve the resolution nominating VHS Harlingen Hospital Company, LLC for designation as a qualified business and enterprise project under the Texas Enterprise Zone Program under the Texas Enterprise Zone Act, Chapter 2303, Texas Gov't. Code. Motion carried unanimously.

- 4) Consideration and possible action to declare several Panasonic CF-30 Laptops and related equipment as surplus property and authorization to sell these items to the City of Brownsville Police Department for \$2,500 and authorize the City Manager to sign the agreement.

Michael Kester, Chief of Police, stated the Harlingen Police Department is requesting approval to declare several Panasonic CF-30 mobile laptops and related equipment as surplus property. These items were removed from service in 2017 and were placed in storage. The Police Department is requesting permission to sell these items to the City of Brownsville for \$2,500.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to declare several Panasonic CF-30 Laptops and related equipment as surplus property and authorization to sell these items to the City of Brownsville Police Department for \$2,500 and authorize the City Manager to sign the agreement. Motion carried unanimously.

- 5) Consideration and possible action to grant a variance with regards to 120 feet of right-of way required for a major arterial street on the proposed Replat of Pelican's Peak Subdivision, located at 505 Ed Carey Drive. Applicant: VIA Real Estate, LLC.

Mr. Gabriel Gonzalez, Asst. City Manager stated Via Real Estate, LLC., applicant was requesting a variance in regards to the 120 ft. of right-of-way required for a major arterial street for the proposed re-plat of Pelican's Peak Subdivision. The proposed subdivision consists of two commercial lots and the applicant is requesting to re-plat the properties into one large commercial lot. The area is located inside the City limits on the west side of Ed Carey Drive, south of Sesame Drive. The intended use is allowable based on the existing zoning designation of General Retail ("GR"). Harlingen Waterworks System will provide the water and sanitary sewer services and all the items on the preliminary and final re-plat checklist was addressed.

Motion was made by Commissioner Puente and Mayor Pro-Tem Mezmar to grant a variance with regards to 120 feet of right-of way required for a major arterial street on the proposed re-plat of Pelican's Peak Subdivision, located at 505 Ed Carey Drive. Motion carried unanimously.

- 6) Public hearing to consider an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (vape shop) in a General Retail ("GR") District located at 616 Ed Carey Drive, bearing a legal description of Lot 8, Southpoint Subdivision No. 1. Applicant: Mario A. Cardenas, Jr.

Mr. Gonzalez stated Mario Cardenas, Jr.; applicant was requesting a Specific Use Permit to allow an adult business (vape shop) under the name of "Hot TX Vapors" from an existing suite located in South Point Plaza. The proposed suite is approximately 2,497 sq. ft. Mr. Cardenas currently operates a vape shop at 1418 E. Tyler Avenue and is proposing to relocate the existing vape shop to the proposed location. Proposed hours of operation will be from 10 am to 8 pm, Monday to Saturday and Sunday from 10 am to 6 pm. The merchandise will consist of general vape equipment such as vape juice, vape moods, cotton, chargers, cases, and tanks. Five parking spaces are required and are provided in the common parking area. The surrounding properties are zoned General Retail "GR" to the north, south, east, and west. The land uses within the plaza consist of the Family Dental, Family Allergy Center, and State Farm Insurance to the north, and the suites to the south consist of two vacant suites, the United Blood Services, a children's clinic, and PPG Paints. The land uses north, south, and east of the South Point Plaza consist of commercial use. Building Inspections, Health, Fire Prevention, and Police Departments reviewed the application and there was no opposition subject to adhering to the Harlingen Code of Ordinances and procedures administered by each department. Mr. Cardenas must obtain and maintain the proper State permits. No objections from the surrounding property owners have been received. Staff recommends approval of the request subject to compliance with the following conditions: 1) obtaining and maintaining the proper state and city permits; 2) maintaining the required parking in accordance with city regulations; 3) providing video surveillance with a 30 day retention; and, 4) complying with the requirements administered by Planning and Zoning, Building Inspections, Environmental Health, Fire Prevention, and Police Departments.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against this item could do so.

There being no comments, Mayor Boswell closed the public hearing.

b) Consideration and possible action to approve an ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (vape shop) in a General Retail ("GR") District at the above described property.

Rebecca Hayworth, Asst. City Attorney read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Commissioner De La Rosa to approve the ordinance on first reading for a Specific Use Permit ("SUP") to allow an adult business (vape shop) in a General Retail ("GR") District located at 616 Ed Carey Drive, bearing a legal description of Lot 8, South point Subdivision No. 1. Motion carried unanimously.

7) Consideration and possible action to adopt an ordinance on first reading to close "L" Street permanently between Fair Park Blvd. and Adams Avenue for the construction of the Destination Park Project.

This item was passed. No action was taken.

8) Consideration and possible action to appoint an Advisory Committee composed of representatives from the following boards: Harlingen Chamber of Commerce, Harlingen Community Improvement Board, Harlingen Economic Development Corporation, Parks Advisory Board, Convention & Visitors Bureau, Golf Course Advisory Board, and Harlingen Consolidated Independent School District to review the study prepared by National Golf Foundation.

Carlos A. Sanchez, Asst. City Manager, stated that on July 2, 2019, Ed Geothermal, Director of Consulting Services for National Golf Foundation made a presentation of the findings of the Tony Butler Golf Course Comprehensive Study to the City Commission at a workshop. The City Commission directed staff to assemble an advisory committee to review the study and present their recommendations to the governing body. He stated staff prepared a list of individuals from the following boards and committees: Harlingen Chamber of Commerce, Convention & Visitors Bureau, Golf Course Advisory Board, Parks & Recreation Board, Harlingen Community Improvement Board, and Harlingen Economic Development Corporation, Inc. This list was presented to the City Commission prior to the meeting for their review and consideration.

A short discussion was held on nominations made and the City Commission appointed the following individuals from the different boards and committees.

Harlingen Chamber of Commerce
Scott Alex
Frank Castellanos

Golf Course Advisory Board
Carlos Cortez

Harlingen Community Improvement Board
Jesse Robles
Daniel Araiza

Parks Advisory Board
Adele Clinton-Solis

Harlingen Eco. Dev. Corp., Inc.
Michael Boland

Harlingen Consolidated Independent
School District
Eladio Jaimez

Convention Visitors Bureau
Rex Warren

Motion was made by Mayor Pro-Tem Mezmar and seconded by Commissioner Leal to appoint the above mentioned individuals to the Advisory Committee to review the study prepared by National Golf Foundation. Motion carried unanimously.

9) Board Appointments

Commissioner Uribe appointed Diana Esparza to the Parks Advisory Board
Commissioner De La Rosa re-appointed Frank Garcia to the Zoning Board of Adjustments

Commissioner Puente re-appointed Sylvia Flores to the Community Development Advisory Board, re-appointed William O'Rear to the Construction Board of Adjustments, re-appointed Peter Douglas and Teresita Garcia to the Veterans Advisory Board and appointed Tim Elliot to the Golf Course Advisory Board.

Mayor Boswell appointed Paul Heinert to the Veterans Advisory Board.

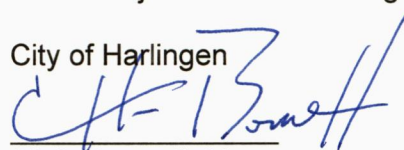
Motion was made by Commissioner Puente and seconded by Commissioner Leal to approve the appointment and re-appointments of the abovementioned individuals to mentioned boards. Motion carried unanimously.

10) Citizen Communication

Comments were from Stephanie Dominguez, Community Engagement Manager for Planned Parenthood South Texas; Aileen Garza, resident of 3115 Zircon Drive, Edinburg, TX., Nancy Guenther – 336 Preston Trail, Harlingen, TX., Joyce Hamilton, 1617 Sunnyside Drive, Harlingen, TX., and Yolanda Shoffiett, 258 Altas Palmas, Harlingen, TX. spoke in regards to CDBG grant funding that was not approved at a previous City Commission meeting for Planned Parenthood. They gave reasons as to why it was important for the City to consider funding them for the following year. The CDBG grants would allow them to be generous with their patients who could not afford healthcare.

There being no further business to discuss, Mayor Boswell adjourned the meeting.

City of Harlingen



Chris Boswell, Mayor

ATTEST:



Amanda C. Elizondo, City Secretary